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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JOSE E. FLORES,

Plaintiff(s),

v.

CAROLYN W. COLVIN,

Defendant(s).

2:14-CV-806 JCM (GWF)

**ORDER**

Presently before the court are the report and recommendation of Magistrate Judge Foley. (Doc. # 2). No objections have been filed even though the deadline for filing objections has passed.

After reviewing the records regarding plaintiff's household income, Magistrate Judge Foley recommended that plaintiff's application to proceed *in forma pauperis* be denied. (Doc. # 2).

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a de novo determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1).

Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. *See United States v.*

1 *Reyna–Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the  
2 district court when reviewing a report and recommendation to which no objections were made); *see*  
3 *also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit’s  
4 decision in *Reyna–Tapia* as adopting the view that district courts are not required to review “any  
5 issue that is not the subject of an objection.”). Thus, if there is no objection to a magistrate judge’s  
6 recommendation, then this court may accept the recommendation without review. *See, e.g.,*  
7 *Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge’s recommendation  
8 to which no objection was filed).

9       Nevertheless, this court finds it appropriate to engage in a de novo review to determine  
10 whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation  
11 and underlying briefs, this court finds good cause appears to ADOPT the magistrate judge’s findings  
12 in full.

13       Accordingly,

14       IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and  
15 recommendation of Magistrate Judge Foley, (doc. # 2), are ADOPTED in their entirety.

16       IT IS FURTHER ORDERED that plaintiff’s application to proceed *in forma pauperis*, (doc.  
17 # 1), is DENIED without prejudice. Plaintiff must pay the filing fee of \$400.00 within thirty (30)  
18 days from the entry of this order, or this action will be dismissed.

19       DATED July 9, 2014.

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22 **UNITED STATES DISTRICT JUDGE**